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Agenda item 9

**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS OF  
INTOLERANCE, FOLLOW-UP AND IMPLEMENTATION OF THE DURBAN  
DECLARATION AND PROGRAMME OF ACTION**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe  
(ABTTF), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 May 2009]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

**Discrimination on the ground of ethnicity:  
the Turkish Minority of Western Thrace and Hate Speech in the Media**

The Preamble of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities states that “...The promotion and protection of the rights of person belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live”. Although there is a heightened interest in the protection of minorities, discrimination persists and is a part of real life in many parts of the world, even in Europe.

The 2001 Durban Declaration and Programme of Action urged Governments to create favourable conditions and take measures that would enable persons belonging to minorities within their jurisdiction to express their characteristics freely and to participate on a non-discriminatory and equitable basis in the cultural, social, economic and political life of the country in which they live. However, the Turkish Minority of Western Thrace is still facing serious problems and discrimination in expressing and maintaining its identity in a country, which is deemed to be the cradle of democracy, namely Greece.

Article 5(2) of the Greek Constitution states that “All persons living within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race or language and of religious or political beliefs”, there is, however, no direct provision in the Greek Constitution which prohibits discrimination on the grounds of ethnicity or nationality, religion, language.

Although the Outcome Document of the Durban Review Conference invites “Governments and their law enforcement agencies to collect reliable information on hate crimes in order to strengthen their efforts to combat racism, racial discrimination, xenophobia and related intolerance”, the Fundamental Rights Agency notes that the authorities in Greece do not provide any data on hate crimes.<sup>1</sup> Since hate crimes or bias-motivated crimes occur when a perpetrator targets a victim because of his or her membership in a certain social group, the Turkish Minority of Western Thrace expresses its concern over the rise in recent years of acts of incitement to hatred, which have targeted Turkish Minority and persons belonging to the Minority, whether involving the use of print, audio-visual or electronic media or any other means, and emanating from a variety of sources.

The Criminal Code of Greece does not contain provisions which specifically the racist or other bias-motivated actions of the offender to be taken into consideration by the courts as an aggravating circumstance when sentencing, although the Greek authorities does claim that the Criminal Code takes the motives of crimes or bias-motivated crimes into consideration when determining the sentence. However, the law does not specifically stipulate that, for all ordinary offences, racist motivation constituted an aggravating circumstance.

Law 927/1979 on punishing acts or activities aiming at racial discrimination with regard to the incitement to hatred and dissemination of racist ideas penalizes incitement to discrimination, hatred or violence towards individuals or groups because of their racial, national or religious origin, through public written or oral expressions; and prohibits the establishment of, and

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<sup>1</sup> FRA, “European Union Agency for Fundamental Rights, Annual Report”, page 28.

membership in, organisations which organise propaganda and activities aimed at racial discrimination. However, as of 2003, no convictions had been attained under the law.

In 2005, Law on the “Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation” was adopted. Moreover, Article 16 (1) of Law 3304/2005, which amended Article 3 of Law 927/1979, provides that “whoever violates the prohibition of discriminatory treatment on the grounds of ethnic or racial origin or religious or other beliefs ... is punished with six months’ imprisonment and a fine of 1.000 –5000 euros”. However, the abovementioned criminal legislation has until now, had limited application in practice. Because 3304/2005 prohibits direct or indirect discrimination, it should however be noted that a difference of treatment based on a characteristic related to racial or ethnic origin, is not deemed as “discriminatory” provided that the aim pursued is legitimate and the requirement is proportionate (Article 5). This loophole leads a more limited effect in prevention of discrimination.

Apart from criminal law provisions, hate speech in the media is prohibited. Although Article 2(a) of the Code of Professional Ethics and Social Responsibility of the Journalists’ Union of Athens Daily Newspapers states that journalists should not make distinctions among citizens on the basis of their origin, gender, race, religion, political affiliation, economic situation and social status, the National Commission for Human Rights notes that there is a trend in news bulletins to reproduce stereotypes and prejudice concerning different ethnic or social groups. Today, there have been very few prosecutions and convictions under the criminal law provisions addressing racist offences, although a few exemplary penalties have been imposed. However, racist incidents have occurred in Greece - including racist statements made in public or reported in the press, and acts of racist violence - and that such incidents have not been prosecuted or indeed given all due attention by the Greek authorities. The problem is that the interpretation of the notion of racism by certain judicial authorities, leading to either no charges are being brought, or charges are dropped in the cases.

Some media express certain prejudices and negative stereotypes towards members of minority groups, including the Turkish Minority in Western Thrace. The statements in question are sometimes tolerated by the judicial authorities on the name of freedom of expression. However, ABTTF would like to stress that Greek Criminal Code (Law 927/1979) the principle of freedom of expression does not extend so far as to authorise the publication of racist statements.

Although Circular No 21979/13.2003 of the Ministry of the Press and Media aims at increasing the awareness of professionals working in the media against racism and xenophobia, racist articles and opinions have been and are being published by some media.

On 4 March 2009, *Hronos*, a regional newspaper published in Greek in Western Thrace, with regard to the report submitted by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, on human rights of minorities in Greece, commented that “Those who have given information to the Rapporteur are those who benefit from the focal points which try to make non-existent minorities exist and destroy the stability in the country”. Unfortunately, this is not an exceptional case in Greece. Not only *Hronos*, some other regional or national newspapers in Greece have a negative approach towards the Turkish Minority in Thrace, however hate speech is rarely prosecuted by certain judicial authorities. In this context, they do threaten the

solidarity in society, because they target a specific group within the society, namely the Turkish Minority.

Lately, on 19 February 2009, Abdülhalim Dede while he was on-air during the morning programme, *Kalimera Ellada*, broadcast by the Athens, Greece-based Antenna TV. The Turkish Ziraat Bank had invited, among others, Dimitris Stamatis, Secretary General of the Region of East Macedonia and Thrace, to attend the opening of its first branch in Komotini, Thrace, Greece. Stamatis declined because the letter of invitation was written in English and Turkish, but not in Greek, and because the city of Komotini was referred to by its Turkish name only, Gümülcine. Abdülhalim Dede, activist on the promotion of minority rights of the Turkish Minority in Western Thrace and publisher and director of the newspaper *Trakyanın Sesi* and owner of the radio station *IŞIK FM* in Komotini, was invited by the hosts of *Kalimera Ellada* to express his opinion live from Komotini on Antenna TV. During the interview, an unknown man approached Dede, shouted at him using obscene language, and physically attacked him. The main studio in Athens immediately terminated the live broadcasting.

ABTTF notes with concern this increasing trend of assaults against journalists in the entire region. We would like all States to pay more attention to the hate or bias-motivated crimes and hate speech, and we call all participating States to take action immediately. We, hereby, urge Greek authorities;

- To make express provision in the law for racist motivation to be considered as an aggravating circumstance in the case of all common offences.
- To introduce a provision into criminal law expressly stipulating that for all ordinary offences, racist motivation constitutes an aggravating circumstance. In addition, we would like to draw attention of the Greek authorities to ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, indicating the provisions that should be included in criminal legislation.
- To take every step to prosecute and punish the culprits, in cases where racist articles have been published
- To ratify as soon as possible the Framework Convention for the Protection of National Minorities.

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